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March 25, 2020

VIA ECF
Honorable Kenneth M. Karas
United States District Court, S.D.N.Y.
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas Street, Courtroom 521
White Plains, New York 10601-4150

Re: ***Jonathan D. Morley v. International Business Machines Corporation***
S.D.N.Y. Case No.: 7:19-cv-11694-KMK

Dear Judge Karas:

We represent Defendant International Business Machines Corporation ("IBM") in the above-referenced action, and we write in response to Plaintiff's March 23, 2020 letter (which was served on IBM on March 24, 2020). In his letter, Plaintiff makes numerous requests/arguments. We address each below.

First, Plaintiff argues that IBM failed to file a responsive pleading by the March 20, 2020 deadline, although he concedes IBM filed a pre-motion letter on March 19, 2020. Per the Individual Rules of Practice of the Honorable Kenneth M. Karas, a pre-motion conference is required before any party is permitted to make a motion, including in pro se cases. To arrange for a pre-motion conference, the Rules require a party to submit a three-page letter to the Court. Thus, IBM was not permitted to file a motion to dismiss Plaintiff's Complaint on March 20, 2020 per the Court's Rules. Accordingly, Plaintiff's contention that IBM's pre-motion letter did not stay its responsive pleading deadline is inaccurate, as the Court's Rules require a pre-motion conference prior to filing a motion to dismiss.

Next, Plaintiff agrees that this matter should be referred to arbitration. As Plaintiff concedes that his claims are subject to arbitration, his anticipated motion for judgment on the pleadings and request to amend his Complaint are moot and the Court should compel arbitration. *Hughes v. Pub.*

Serv. Mut. Ins. Co. (In re Hughes), 2001 Bankr. LEXIS 1803, at *35 (Bankr. S.D.N.Y. Apr. 18, 2001) (denying as moot motion to amend where action was compelled to arbitration). Plaintiff also requests a stay of this action pending arbitration. IBM does not object to a stay pending arbitration.

Likewise, IBM does not object to Plaintiff's request for a 60-day stay of this action in light of the COVID-19 pandemic.

Thank you for your attention to this matter.

Respectfully submitted,
JACKSON LEWIS P.C.

s/ Dana G. Weisbrod
Dana G. Weisbrod

cc: Jonathan D. Morley, Plaintiff *pro se* (via e-mail w/ unpublished decision and ECF)

The Action is stayed for 30 days, except Plaintiff is to explain, by 4/10/20, why this case should not be stayed/dismissed in lieu of arbitration.

So Ordered.

[signature]

3/27/20